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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,574	07/20/2001	Eugene Gorbatov	42390P12150	1414

8791 7590 01/04/2007
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EXAMINER

YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/910,574

Applicant(s)

GORBATOV ET AL.

Examiner

Harun M. Yimam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-15,18-21,26,27,29-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-15,18-21,26,27,29-31 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/10/2006 have been fully considered but they are not persuasive.

2. In response to applicants' argument (page 7, 5th paragraph) that Stettner does not teach or suggest that the event notifications are transmitted over a TV channel that is different than the TV channel being displayed and also different than the TV channel having the event of interest to the viewer, applicants should note that there is no support for said argument in the specification and the combination of Omoigui 688 and Stettner teach all of the claimed subject matter. Furthermore, just like the secondary reference (Stettner) used to teach said third television channel being VBI for ATVEF trigger transmission of event notifications, applicants' disclosure on the bottom of page 6 teaches the exact same thing.

(NOTE: please see the 112, first paragraph rejection below).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 26 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner points out that there is no support for said third television channel being **different from the first set of television channels**. The only thing discussed on page 14, lines 31-33 and/or anywhere else in the specification regarding said channel for transmitting the notification is that it is **a selected specialized channel for event notifications**. That clearly does NOT say anything about said selected specialized channel not being in the first set of television channels or being **different** from the first television channel. Applicants' disclosure does not indicate any specific frequency ranges for the first, second or third channels.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6-15, 18-21, 26, 27, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui (2005/0086688) in view of Stettner (2002/0104090).

Considering claim 1, Omoigui discloses receiving a television stream (paragraph 0029, lines 10-13 and paragraph 0054, lines 1-9); causing the display of a first program of a first television channel received in the television stream for viewing by a viewer (paragraph 0034, lines 1-2); and notifying the viewer of an event occurring in a second program of a second television channel being broadcast concurrently with the first program (paragraph 0038, lines 1-19 and paragraph 0067, lines 1-8).

Omoigui fails to disclose the notification of the event being transmitted over a third television channel.

In analogous art, Stettner discloses that the notification of the event could be transmitted over a third television channel (ATVEF triggers representing event

notifications—paragraph 0032, lines 1-26. It is known that ATVEF triggers are transmitted in the VBI of a television signal. Therefore, “ATVEF triggers” reads on “third television channel”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Omoigui’s system to include the notification of the event being transmitted over a third television channel, as taught by Stettner, for the benefit of providing different notification means to the viewer and also reach large number of consumers using an inexpensive distribution means.

As for claims 2 and 14, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses that the television stream comprises an enhanced television stream (triggering events—paragraph 0035, lines 15-22).

With regards to claims 3 and 15, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses receiving an event notification (triggering event—paragraph 0035, lines 15-22) within the enhanced television stream, the event notification indicating occurrence of the event (paragraph 0035, lines 15-27).

As for claims 6 and 18, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses automatically causing the changing of the channel after

the event occurs to display the second program of the second channel instead of the first program (paragraph 0040, lines 2-4).

With regards to claims 7 and 19, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses concurrently causing the display of the first program on a first portion of a display and the second program on a second portion of the display (paragraph 0040, lines 6-10).

Regarding claim 8, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses identifying portions of programs as signifying events (indicating the beginning of an event, such as Tiger Woods tee off—paragraph 0035, lines 15-27).

Considering claims 9 and 20, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses registering for notification of events (paragraph 0035, lines 1-15).

As for claims 10 and 21, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses receiving a plurality of event notifications (receiving triggering events—paragraph 0035, lines 15-27) and filtering the event notifications to identify those event notifications corresponding to registered events (only the notifications that are matched up with user registrations for notification are sent to the

client—paragraph 0035, lines 22-27 and paragraph 0036, lines 1-5), and notifying the viewer of occurrences of registered events for which event notifications have been received (paragraph 0035, lines 25-27 and paragraph 0038, lines 15-19).

With regards to claim 11, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses that the registered events occur in programs broadcast on a plurality of channels (paragraph 0054, lines 9-15).

Considering claim 12, Omoigui and Stettner disclose the claimed limitations. In particular, Omoigui discloses that the second program is broadcast live (paragraph 0035, lines 1-3) and the event is determined in real-time (paragraph 0095, lines 1-6).

As for claim 13, Omoigui discloses a storage medium having a plurality of machine-readable instructions (paragraph 0046, lines 9-21 and paragraph 0050, lines 1-4), wherein the instructions are executed by a processor (paragraph 0051, lines 1-7), the instructions provide for handling of event notifications in television programming (instructions for implementing the notifications steps—paragraph 0050, lines 1-13), the instructions including receiving a television stream (paragraph 0029, lines 10-13 and paragraph 0054, lines 1-9); causing the display of a first program of a first television channel received in the television stream for viewing by a viewer (paragraph 0034, lines 1-2); and notifying the viewer of an event occurring in a second program of a second

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television channel being broadcast concurrently with the first program (paragraph 0038, lines 1-19 and paragraph 0067, lines 1-8).

Omoigui fails to disclose the notification of the event being transmitted over a third television channel.

In analogous art, Stettner discloses that the notification of the event could be transmitted over a third television channel (ATVEF triggers representing event notifications—paragraph 0032, lines 1-26. It is known that ATVEF triggers are transmitted in the VBI of a television signal. Therefore, “ATVEF triggers” reads on “third television channel”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Omoigui’s system to include the notification of the event being transmitted over a third television channel, as taught by Stettner, for the benefit of providing different notification means to the viewer and also reach large number of consumers using an inexpensive distribution means.

Regarding claims 26 and 30, they are rejected for the same reasons as discussed in claims 2, 9 and 10. Furthermore, applicants should note that the ATVEF triggers representing event notifications (Stettner—paragraph 0032, lines 1-26) read on the limitation “selected specialized television channel” and also note that said ATVEF triggers are not in the first set of television channels as claimed.

With regards to claims 27 and 31, they are rejected for the same reasons as discussed in claim 11.

Considering claim 29, it is rejected for the same reasons as discussed in claims 6 and 9.

Considering claim 33, it is rejected for the same reasons as discussed in claims 6 and 9.

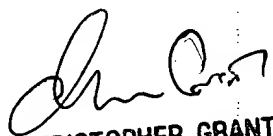
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY


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